

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, et al.,  
PLAINTIFFS,

v.

BRIAN P. KEMP, et al.,  
DEFENDANTS.

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CASE NO:  
1:17-cv-02989-AT

**THE STATE DEFENDANTS' MOTION TO FILE A BRIEF IN  
EXCESS OF TWENTY-FIVE PAGES**

State Defendants Secretary of State Brian P. Kemp, State Election Board, State Election Board Members David J. Worley, Rebecca N. Sullivan, Ralph F. Simpson and Seth Harp (collectively the “State Defendants”) respectfully request leave to file a Brief in excess of the twenty-five (25) page limit set forth in Local Rule 7.1(D). In support of this Motion, the State Defendants show this Court as follows:

1. Plaintiffs Donna Curling, Coalition for Good Governance, Donna Price, Jeffrey Schoenberg, Laura Digges, William Digges, III, and Ricardo Davis (“the Plaintiffs”) originally filed this action in the Superior Court of Fulton County on July 3, 2017. On August 8, 2017, the Defendants timely removed this action to this Court. Under Federal Rule 81(c)(2)(C), the State Defendants response to the

Complaint will be due on August 15, 2017, and the State Defendants intend to file a Motion to Dismiss the Complaint in its entirety for lack of subject matter jurisdiction and failure to state a claim pursuant to Federal Rules 12(b)(1), (6).

2. The 199-paragraph, 82-page Complaint in this case raises a multitude of federal and state claims. Plaintiffs are asserting constitutional claims under both the United States and the Georgia Constitution, a variety of different state claims, including an election contest claim, and the issuance of the extraordinary writ of mandamus. The relief sought by Plaintiffs is equally far-ranging: they seek various types of declaratory and injunctive relief, including a request that this Court declare void *ab initio* the results of the June 20, 2017 run-off election in Georgia's 6th Congressional District and enjoin the future use of Georgia's DRE-based Voting System.

3. The State Defendants' position is that each of the claims in the Complaint lack merit as a matter of law. Briefing the legal bases for dismissal of the various individual claims necessarily requires analysis of different areas of federal and state law, each with differing legal standards and applicable law. The State Defendants, therefore, request that they be given a 25-page extension of the page limit for briefs (allowing the filing of a brief not to exceed 50 pages) so that they

can adequately address the legal grounds for dismissal for each of the different claims set forth in the lengthy Complaint.

For the foregoing reasons, the State Defendants respectfully request that this Court grant their Motion to File a Brief in Excess of Twenty-Five Pages.

Respectfully submitted,

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**CERTIFICATE PURSUANT TO L.R. 7.1D**

I hereby certify that this Motion conforms to the requirements of L.R. 5.1C. This Motion is written in 14 point Times New Roman font.

/s/ Elizabeth A. Monyak 005745  
Assistant Attorney General

### **CERTIFICATE OF SERVICE**

I hereby certify that on this date I have electronically filed the foregoing  
**THE STATE DEFENDANTS' MOTION TO FILE A BRIEF IN EXCESS OF  
TWENTY-FIVE PAGES** with the Clerk of Court using the CM/ECF system,  
which will automatically send email notification of such filing to the following  
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I further certify that I have served, by U.S. mail, first class postage prepaid,  
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This 14th day of August, 2017.

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